

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(78) 69 final.

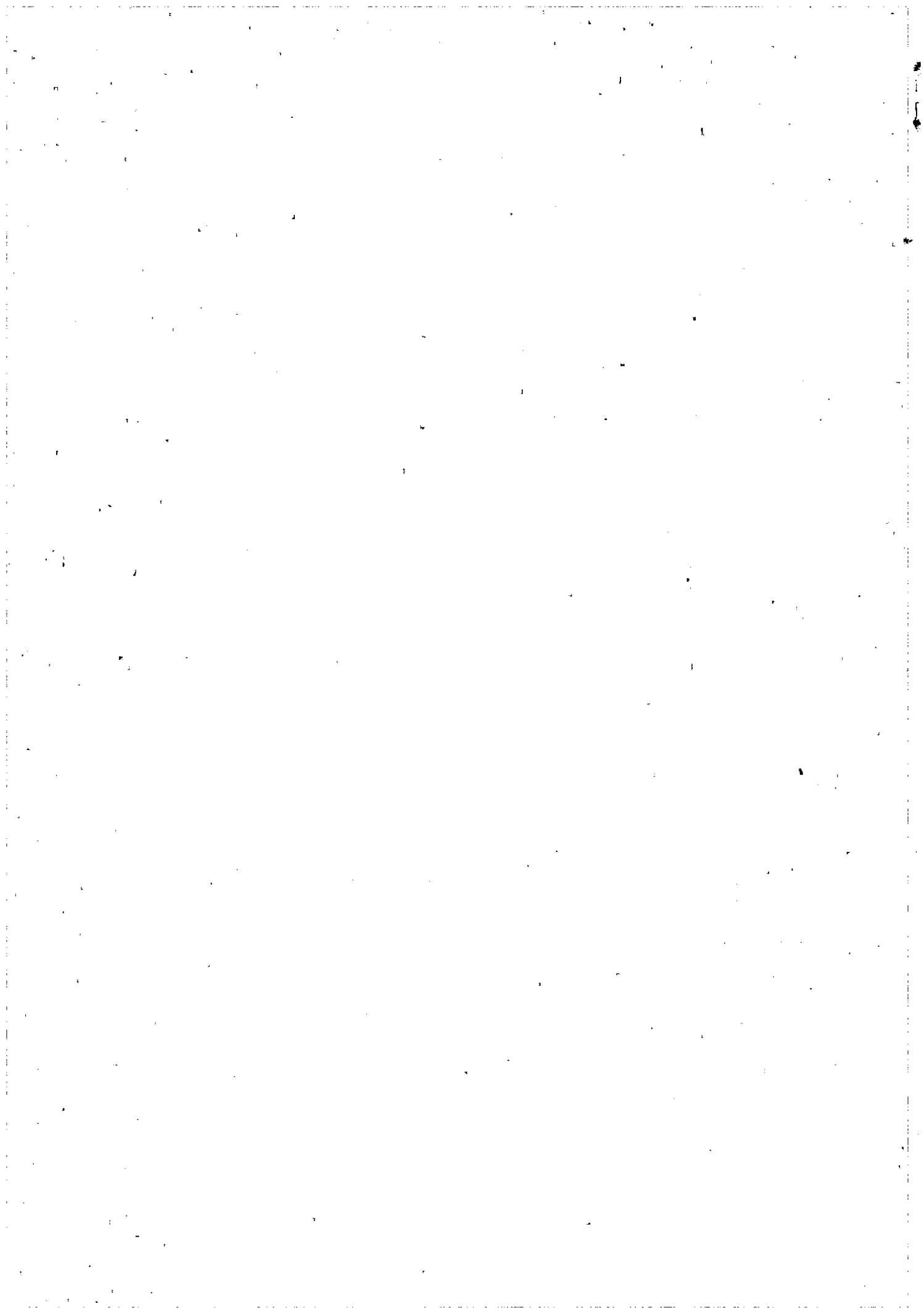
Brussels, 15 February 1978.

PROPOSAL FOR A COUNCIL REGULATION

laying down certain interim measures for
the conservation and management of fishery
resources applicable to vessels flying the
flag of Spain for the period from 21 February
to 31 May 1978.

(submitted to the Council by the Commission)

COM(78) 69 final.



EXPLANATORY MEMORANDUM

As the Council did not arrive at a decision upon the Commission's proposals for an internal fisheries policy on 31 January 1978 and extended the rules applicable to fishing by Spanish vessels until only 20 February 1978, it is now necessary to extend once more this interim arrangement in order to avoid an interruption of fishing.

The regulation which is the subject of the present proposal is intended to extend the interim regime applicable to Spanish vessels until 31 May 1978. This will allow, on the one hand, a more balanced allocation of the total allowable catches foreseen for 1978, and on the other hand full use by Spain of its anchovy quota.

COUNCIL REGULATION (EEC) N° /78

of

laying down certain interim measures for
the conservation and management of fishery
resources applicable to vessels flying the
flag of Spain for the period from 21 February
to 31 May 1978.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession,

Having regard to the proposal from the Commission,

Whereas the Council adopted on 3 November 1976 a set of resolutions concerning certain external and internal aspects of the common fisheries policy;

Whereas the Council most recently extended until 20 February 1978 certain provisions concerning the application to vessels flying the flag of Spain of Council Regulation (EEC) N° 373/77 of 24 February 1977, laying down certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries (1) by Regulation (EEC) N° 204/78 (2);

Whereas, pending the imminent conclusion of a framework agreement between the Community and Spain, it is necessary to lay down interim measures for a further period;

Whereas control of fishing can only be effective through means of fishing licences which can be withdrawn in the event of irregularities or the exhausting of the quotas fixed;

Whereas management of the interim rules provided for requires the Commission to be informed of fishing activity by the vessels concerned, fishing effort realised, and any detected irregularities;

Whereas the rules provided for in the present Regulation have been established taking due account of the provisions currently governing fishing and fish products;

HAS ADOPTED THIS REGULATION :

(1) OJ N° L 53, 25.2.1977, p 1

(2) OJ N° L 29, 1.2.1978, p 3

Article 1

The only catches which vessels flying the flag of Spain are authorized to make in the 200 nautical mile fishing zones of the Member States situated off the North Sea and Atlantic coasts and covered by Community rules on fisheries are those of the species for which the quantitative limits are laid down in the Annex, taken under the conditions laid down by the present Regulation.

Article 2

1. Fishing shall be subject to the granting of a licence by the Commission on behalf of the Community and to compliance with the conservation and supervisory measures and other provisions governing fishing in the zones referred to in Article 1.

2. Fishing quotas, the number of licences which can be granted to vessels flying the flag of Spain, and the maximum number of vessels in possession of a licence which may fish at the same time within a particular zone, are laid down in the Annex.

Article 3

1. When an application for a permit is submitted to the Commission, the following information shall be supplied :

- (a) name of the vessel;
- (b) registration number;
- (c) external identification letters and numbers;
- (d) port of registration;
- (e) name and address of the owner or charterer;
- (f) gross tonnage and overall length;
- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) intended area of fishing;
- (k) species intended to be fished;
- (l) period for which a permit is requested.

2. Each permit shall be valid for one vessel only. When several vessels are taking part in the same fishing operation, each vessel must be in possession of a permit.

3. However, permits shall not be issued to individual vessels fishing for anchovy; the maximum number of permits, identified by a serial number, shall be issued to the Spanish authorities who shall pass them on to the fishermen concerned.

When an application is made for a permit the information referred to in paragraph 1 shall be provided in respect of each vessel fishing for anchovy.

4. A vessel fishing in accordance with this Regulation may only hold one permit.

Article 4

The Commission may decide that fishing under the present Regulation is subject to the presentation of fishing plans and to the approval of these plans by the Commission.

Article 5

A permit holder must supply the information specified in the permit to the Commission through a radio station in one of the Member States, and in particular the position of the vessel and catches by species.

Article 6

1. By-catches made while fishing directly for hake may not exceed twice the catches of hake per vessel; hauls of cod, haddock, whiting, pollock and coalfish may not exceed 3% and those of clupeid fish and nephrops (nephrops norvegicus) not more than 5% of catches on board a vessel. By-catches of sole and plaice are forbidden.

2. By-catches by a vessel fishing for anchovy may not exceed, per vessel, 10% of the total volume of pelagic fish species or of any sample thereof of at least 100 kg of fish on board after sorting or below deck; they may not include bottom-dwelling fish species.

Article 7

1. The period of validity of the licences expires as soon as it has been established that the quantities laid down in paragraph 1 of the Annex have been fished.

2. In addition, licences for anchovy fishing may be invalidated if the Commission does not receive on the fifth and twentieth day of each month information concerning the catches made by each vessel and the landings made in each port during the previous fortnight; this information shall be communicated by the competent Spanish authorities.

Article 8

The competent authorities in each Member State shall inform the Commission within twenty-four hours

(a) of each incident which occurs in the course of fishing by a Spanish vessel;

(b) of any non-compliance which has been the subject of sanctions, indicating the name of the vessel concerned and any precautionary and final measures taken.

Article 9

In the event of non-compliance, and in particular if the conditions provided for under the present Regulation are not respected, the licence shall be withdrawn by the Commission.

Article 10

This Regulation shall enter into force on 21 February 1978.

It shall apply until 31 May 1978.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

1978

For the Council
The President

1. Catch quotas for the period from 21 February to 31 May 1978

| Species | ICES sub-area | Quantities (in tons) |
|---|---------------|----------------------|
| Hake | VI | 344 |
| | VII | 1 174 |
| | VIII | 1 418 |
| Other species taken as by-catches of hake fishing in conformity with Article 6, paragraph 1 | VI | 688 |
| | VII | 2 358 |
| | VIII | 2 836 |
| Anchovy | VIII | 20 000 |

2. Number of standard-vessel⁽¹⁾ permits that may be issued for each ICES sub-area

| Type of fishing | ICES sub-area | Number of standard vessels |
|--|---------------|----------------------------|
| (a) Hake | VI | 14 |
| | VII | 50 |
| | VIII | 57 |
| (b) Anchovy | VIII | 140 |
| (c) Fishing with lines from vessels not exceeding 50 GRT; these vessels may not carry any other fishing gear on board. | VIII | 60 |

3. Maximum number of standard vessels⁽¹⁾ which may fish for hake simultaneously in any given sub-area for which a permit has been obtained.

| ICES sub-area | Number of standard vessels |
|--|----------------------------|
| VI | 9 |
| VII | 32 |
| VIII | 44 |
| Vessels referred to in paragraph 2 (c) | 50 |

(1) A standard vessel is a vessel with a brake horse-power not exceeding 800 bhp. If the brake horse-power is greater than 800 bhp the following conversion factors are to be applied :

- vessels exceeding 800 but not exceeding 1 100 bhp = 1.75
- vessels exceeding 1 100 but not exceeding 1 500 bhp = 2.25.

1. The first part of the document is a list of names and addresses of the members of the committee.

2.

3.

4.

5.

6.

7.